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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/717,715	11/21/2003	Hidemitsu Aoki	8017-1112	8854
466 7590 01/05/2007 YOUNG & THOMPSON 745 SOUTH 23RD STREET 2ND FLOOR ARLINGTON, VA 22202			EXAMINER MRUK, BRIAN P	
			ART UNIT 1751	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		01/05/2007	PAPER	

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

## Office Action Summary

Application No.

10/717,715

Applicant(s)

AOKI ET AL.

Examiner

Brian P. Mruk

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1751

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 07 December 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☒ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on December 7, 2006 has been entered.

2. This Office action is in response to Applicant's amendment filed December 7, 2006. Applicant has amended claims 1, 3, 10 and 19. Currently, claims 1-19 remain pending in the application.

3. The text of those sections of Title 35 U.S. Code not included in this action can be found in the prior Office actions, Paper Nos. 20050413 and 20060105.

4. The rejection of claims 1-5, 7-12 and 14-19 under 35 U.S.C. 102(b) as being anticipated by Aoki et al, U.S. Patent No. 5,382,295, is maintained for the reasons of record.

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5. The rejection of claims 1-6 and 10-19 under 35 U.S.C. 102(b) as being anticipated by Satoshi et al, JP 2000-219900, is maintained for the reasons of record.

6. The rejection of claims 1-19 under 35 U.S.C. 103(a) as being unpatentable over Bessho et al, U.S. Patent No. 6,440,856, is maintained for the reason of record.

### ***Response to Arguments***

7. Applicant's arguments filed December 7, 2006 have been fully considered but they are not persuasive.

Applicant argues that Aoki et al, U.S. Patent No. 5,382,295, does not teach or suggest a composition that contains a nonionic surfactant and a phosphonic acid chelating agent in an amount that is sufficient such that a droplet of a liquid composition or a dilute aqueous solution thereof exhibits a contact angle of 50° or less to the surface area. However, the examiner respectfully disagrees. Specifically, the examiner notes that page 13, lines 1-20 of the instant specification defines that the nonionic surfactant and the phosphonic acid chelating agent are present in a combined amount of 0.01-30% by weight. It is also noted that page 11, lines 14-24 of the instant specification defines that the nonionic surfactant is present in an amount of 0.001-30% by weight to exhibit a contact angle of 50° or less to the surface area. Aoki et al discloses that the surfactant is present in an amount of 0.5 to 5.0 g/L, which corresponds to 0.05-0.5% by weight, and that the phosphonic acid is present in an amount of 0.5-10.0 g/L, which corresponds to 0.05-1.0% by weight (see abstract). Therefore, Aoki et al clearly

discloses compositions that contain a combined 0.1-1.5% by weight of the nonionic surfactant and the phosphonic acid chelating agent, which meet the requirements of the instant claims.

Applicant further argues that Satoshi et al, JP 2000-219900, does not teach or suggest a composition that contains a nonionic surfactant and a phosphonic acid chelating agent in an amount that is sufficient such that a droplet of a liquid composition or a dilute aqueous solution thereof exhibits a contact angle of  $50^{\circ}$  or less to the surface area. However, the examiner respectfully disagrees. Specifically, the examiner notes that page 13, lines 1-20 of the instant specification defines that the nonionic surfactant and the phosphonic acid chelating agent are present in a combined amount of 0.01-30% by weight. It is also noted that page 11, lines 14-24 of the instant specification defines that the nonionic surfactant is present in an amount of 0.001-30% by weight to exhibit a contact angle of  $50^{\circ}$  or less to the surface area. Satoshi et al clearly teaches compositions that contain 5% by weight of a nonionic surfactant and 0.01-10% by weight of a phosphonic acid chelating agent (see abstract), which clearly meet the requirements of the instant claims.

Applicant argues that Bessho et al, U.S. Patent No. 6,440,856, does not teach or suggest a composition that contains a nonionic surfactant and a phosphonic acid chelating agent in an amount that is sufficient such that a droplet of a liquid composition or a dilute aqueous solution thereof exhibits a contact angle of  $50^{\circ}$  or less to the surface area. However, the examiner respectfully disagrees. Specifically, the examiner notes that page 13, lines 1-20 of the instant specification defines that the nonionic surfactant

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and the phosphonic acid chelating agent are present in a combined amount of 0.01-30% by weight. It is also noted that page 11, lines 14-24 of the instant specification defines that the nonionic surfactant is present in an amount of 0.001-30% by weight to exhibit a contact angle of  $50^{\circ}$  or less to the surface area. Bessho et al clearly teaches compositions that contain 0.01-5% by weight of a nonionic surfactant (see col. 10, lines 14-32) and 0.1-1.0% by weight of a phosphonic acid chelating agent (see col. 9, lines 58-60), which clearly meet the requirements of the instant claims.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian P. Mruk whose telephone number is (571) 272-1321. The examiner can normally be reached on Mon-Thurs (7:00AM-5:30PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Douglas McGinty can be reached on (571) 272-1029. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

BPM

Brian P Mruk  
December 29, 2006

*Brian P. Mruk*

Brian P Mruk  
Primary Examiner  
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